

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESTERVINA PAULINO,

Plaintiff,

-against-

GLADYS CARRION, as Commissioner of the New York
State Office of Children and Family Services, and
THOMAS R. FRIEDEN, M.D., as Commissioner of the
New York City Department of Health and Mental Hygiene,

Defendants.

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NOTICE OF MOTION

07-CV-5773 (LAK) GWG)

(ECF case)

PLEASE TAKE NOTICE that upon the declaration of Mary O’Sullivan, dated January 3, 2008, and annexed exhibits; the accompanying memorandum of law; and upon the Complaint and Answer and all prior proceedings herein, the undersigned will move this Court before the Honorable Gabriel Gorenstein at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, for:

- (1) an order pursuant to Section 12(c) of the Federal Rules of Civil Procedure (“FRCP”), granting judgment on the pleadings to defendant THOMAS R. FRIEDEN, M.D., on all counts of the complaint; and
- (2) pursuant to Rule 26(c) of the FRCP, an order staying discovery pending the resolution of the City Defendant’s motion for judgment on the pleadings, together with such other and further relief as the Court deems just, fair and equitable.

PLEASE TAKE FURTHER NOTICE, pursuant to S.D.N.Y. Civ. R. 6.1,
answering papers are to be served within ten business days after service of the moving papers.

Dated: New York, New York
January 7, 2008

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendant Frieden
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New York, New York 10007
(212) 788-1035

By: _____/s_____
Mary O'Sullivan (MO-8495)
Assistant Corporation Counsel

TO: John C. Grey, Esq.
South Brooklyn Legal Services
Attorney for Plaintiff
By: Nancy Bedard, Esq.

Andrew Cuomo, Attorney General of the State of New York
Attorney for Defendant Carrion
By: George Alvarez, Assistant Attorney General